

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS CRUZ DIAZ,

Defendant.

CASE NO. CR18-0278-JCC

ORDER

This matter comes before the Court on the Government's motion to seal (Dkt. No. 68) its sentencing memorandum (Dkt. No. 69). Having thoroughly considered the Government's motion and the relevant record, the Court hereby DENIES the motion.

"[T]here is a strong presumption of public access to [the Court's] files." W.D. Wash. Local Civ. R. 5(g)(3); *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). Upon a showing of "good cause," district courts may order documents attached to non-dispositive motions to remain under seal. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003); *see* Fed. R. Civ. P. 26(c) (stating district courts may issue orders "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense" if "good cause" is shown). This rule provides an exception to the "strong presumption in favor of [public] access" to judicial records. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citing *Foltz*, 331 F.3d at 1135).

1 The Government asks the Court to seal its five-page sentencing memorandum because it
2 contains “sensitive information.” (Dkt. No. 68.) The Government has not provided a
3 particularized showing of good cause that outweighs the public’s interest in having access to the
4 sentencing memorandum. First, the sentencing memorandum does not include any information
5 about Defendant that the Court would characterize as “sensitive” or confidential. Second,
6 Defendant’s unsealed plea agreement contains most, if not all, of the relevant facts that are
7 discussed in the Government’s sentencing memorandum. (*See* Dkt. No. 53.)

8 The Government’s motion to seal (Dkt. No. 68) is DENIED. The Clerk is DIRECTED to
9 unseal the Government’s sentencing memorandum (Dkt. No. 69).

10 DATED this 2nd day of August 2019.

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15 John C. Coughenour
16 UNITED STATES DISTRICT JUDGE
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